

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12993 of 2016

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Shovandhari Kumar Son of Sri Ram Mural, Resident of Village- Danara, P.S. -
Bikram, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
2. The Inspector General of Registration, Government of Bihar, Patna
3. The Collector- cum -District Registrar, Patna
4. The Sub Registrar, Bikram, District-Patna
5. The District Sub Registrar, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Alok Kumar Sinha, Senior Advocate
Mr. Bhola Kumar, Advocate
Mr. Ashish Sinha,
For the State : Mr. R.K. Chandram, A.C. to G.P.19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 14-09-2017

Heard both sides.

2. The petitioner, by this writ petition, craves indulgence of this Court for quashing the Order No.35 of 2016 dated 1.4.2016 passed by the District Sub-Registrar, Patna so far as it relates to the petitioner and the letter no.1699 dated 1.4.2016 (Annexure-4) and letter no.1597 issued by the I.G. Registration (Annexure-4(a) in pursuance of which Annexure-5 was issued.

3. Shri Alok Kumar Sinha, the learned Senior Counsel for the petitioner submits that the petitioner is Deed Writer and the licence of the petitioner has been cancelled in violation of Rules



9(i)(h) and 13(i) of the Bihar Deed Writers Licensing Rules, 1996. Learned counsel for the petitioner further submits that petitioner did not violate any direction of the I.G. Registration as envisaged in Rule 9(i)(h) which deals with the directions of the I.G. Registration with regard to preparation and the transcription of documents or copies for registration. The licence of the petitioner has been cancelled on the ground that the petitioner remained on strike for two days. Rule-13 specially deals with cancellation and suspension of licence of Deed Writers/Document Writers and says that the Licensing Authority may at any time suspend or cancel the licence of a document writer or apprentice on any of the following grounds :

(a) Violations of any of the rules or the conditions of the licences.

(b) Failure to attend the registration office for a period exceeding six months without a reasonable cause or without the leave or permission of the licensing authority or the registering officer within whose jurisdiction he has been practicing.

4. Sub Rule (2) of Rule-13 says that no order under sub-rule (i) shall be passed, unless the document writer or the apprentice, as the case may be, has been asked to show cause against the proposed suspension or cancellation of the licence and the cause shown by him



has been duly considered by the Licensing Authority. Learned counsel for the petitioner further submits that none of the criteria and the conditions for cancellation of licence has been fulfilled and the District Sub Registrar cancelled the licence of the Document Writer the petitioner whose names appeared at sl.no.86 of Annexure-5 in pursuance of the directions of the Principal Secretary, Registration Department and the I.G. Registration.

4. On the contrary, learned counsel for the State submits that the order was passed in pursuance of the order passed by the Principal Secretary but could not be able to show that the licence has been cancelled in violation of any condition laid down in Bihar Deed Writers Licensing Rules 1996.

5. Having considered the submissions of both sides and on perusal of records, this much is evident that the Principal Secretary, Registration Department and the I.G. Registration issued a blanket order to cancel the licence of the Document Writers/Deed Writers in order to prevent the Deed Writers to go on strike. The order as contained in Annexures 4, 4(a) and 5 do not speak that the Deed Writers ever violated any rules as mentioned in Rule 9 of the Deed Writers Licensing Rules 1996. Even the condition for cancelling the licence as incorporated in Rule-13 has not been followed and on the face of the order it appears that the orders are illegal and not



sustainable.

6. Accordingly, the letter no.1699 dated 1.4.2016, letter no.1597 dated 28.3.2016 as contained in Annexures 4 and 4(a) and the letter no.35 of 2016 dated 1.4.2016 as contained in Annexure-5 so far as it relates to the petitioner are quashed.

7. Thus, this writ petition is allowed.

(Prabhat Kumar Jha, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20-09-2017
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